

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 6, 2006. Claims 20 and 25 to 35 remain pending in the application, of which Claims 20, 28 and 32 are independent. Reconsideration and further examination are respectfully requested.

Claims 20 and 25 to 35 were rejected under 35 U.S.C. § 112, second paragraph. Specifically, Claims 20, 28 and 32 were rejected for the phrase “used upon printing in a printing device” not being clear, and the term “service point” allegedly not being clear or included in the specification. Without conceding the correctness of the rejections, the phrase “used upon printing in a printing device” has been amended to make the subject matter even clearer. As for the term “service point”, Applicant submits that it can be found to correspond to any one or more of the discounts or brokerage fee described with regard to Figure 91. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Claims 20 and 25 to 35 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,471,314 (Doi). The rejections are traversed and reconsideration and withdrawal thereof are respectfully requested.

The present invention concerns providing compensation to a plurality of consumable traders in an online shopping system. According to the invention, a status of use of at least one consumable used in a printing device is received by a server, whereby the server calculates a service point. Then, when a customer purchases merchandise provided by one of the plurality of consumable traders based on the calculated service point, information on the customer's purchase is recorded in a storage unit. Finally, compensation to one of the plurality of consumable traders is decided based on the information recorded in the storage unit.

Referring specifically to the claims, amended independent Claim 20 is an online shopping method executed in a system in which a server manages a status of use of at least one consumable used in a printing device, the method comprising receiving, by the server, the status of use of the at least one consumable used in the printing device via a communication line, calculating, by the server, a service point according to the received status of use of the at least one consumable, the server causing a storage unit to record, for each of a plurality of consumable traders, information on a customer's purchase of merchandise provided by one of the plurality of consumable traders, the purchase being based on the calculated service point, and deciding a compensation to each of the plurality of consumable traders based on the information recorded in the storage unit, the information being based on the calculated service point.

Amended independent Claims 28 and 32 are system and program claims, respectively, that substantially correspond to Claim 20.

The applied art, alone or in any permissible combination, is not seen to disclose or suggest the features of Claims 20 and 28, and in particular is not seen to disclose or to suggest at least the features of a server causing a storage unit to record, for each of a plurality of consumable traders, information on a customer's purchase of merchandise provided by one of the plurality of consumable traders, the purchase being based on a calculated service point which is calculated according to a received status of a consumable used in a printing device, and deciding a compensation to each of the plurality of consumable traders based on the information recorded in the storage unit.

As understood by the Applicants, Doi is seen to disclose a method for printing a variety of documents or images in color. An operator is notified whether printing is enabled, as well as of the residual amounts of two or more printing agents. The amounts of each printing agent required for a given object is predicted and the object is printed if the quantities of all printing agents exceed their respective predicted amounts. However, if the amount of any one printing agent is below the amount predicted for that

agent, printing is disallowed and the operator is presented with a warning. Thus, Doi is simply different from the claimed invention and is not seen to disclose or suggest the features of a server causing a storage unit to record, for each of a plurality of consumable traders, information on a customer's purchase of merchandise provided by one of the plurality of consumable traders, the purchase being based on a calculated service point which is calculated based on a received status of use of a consumable used in a printing device. Additionally, Doi is not seen to disclose or to suggest deciding a compensation to each of the plurality of consumable traders based on the information recorded in the storage unit, the information being based on the calculated service point.

It is also noted that the Office Action admits that "Doi does not disclose a service point," but alleges that the claimed "service point" is common knowledge. However, the Office Action merely made a bald assertion that the claimed "service point" is "common knowledge" that would have been obvious to provide such for Doi, without providing any factual evidence to support such a conclusion. Therefore, the rejection fails to meet the legal requirements to show obviousness under 35 U.S.C. § 103(a).

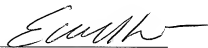
In this regard, as correctly stated at MPEP 2144.03: "It is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection is based." citing *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002); *In re Zurko*, 258 F.3d 1379, 1385, 15 USPQ2d 1693, 1697 (Fed. Cir. 2001) (holding that general conclusions concerning what is "basic knowledge" or "common knowledge" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection). Thus, the grounds for the rejection are improper. Should the Examiner believe that the claimed phrase "service point" is still within the "common knowledge" of those skilled in the art, then he is respectfully requested to provide factual evidence to support such an assertion. Otherwise, the Examiner is requested to withdraw the rejection and pass the application to issue.

In view of the foregoing amendments and remarks, independent Claims 20, 28 and 32, as well as the claims dependent therefrom, are believed to be allowable.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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